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MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION UPON A PLEA OF GUILTY

Juan Martin Lopez-Marino,
Defendant.

Thereafter, the matter came on for a hearing on Defendant's plea of guilty to one-count Indictment which charges Title 8 USC Section 1326 enhanced by 8:1326(b)(1) Attempted Re-Entry After Deportation in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

(A) I FIND as follows:

- (1) that Defendant is competent to plead;
- (2) that Defendant understands his/her right to trial;

1 (3) that Defendant understands what the minimum mandatory and
2 maximum possible sentence is, including the effect of the supervised release term, and
3 defendant understands that the sentencing guidelines apply and that the court may depart
4 from those guidelines under some circumstances;

5 (4) that the plea of guilty by the Defendant has been knowingly and
6 voluntarily made and is not the result of force or threats or of promises apart from the
7 agreement between the parties;

8 (5) that Defendant understands the nature of the charge against him/her;

9 (6) that Defendant understands that his/her answers may later be used
10 against him/her in a prosecution for perjury or false statement; and

11 (7) that there is a factual basis for the Defendant's plea;

12 (8) that Defendant has been advised of the consequences of having a prior
13 felony conviction; and, does admit to having a prior felony conviction;

14 (9) that the defendant knowingly, intelligently and voluntarily waived
15 his/her right to appeal or collaterally attack his/her conviction and any sentence imposed if
16 it is within the range permitted by the plea agreement;

17 and further,

18 (B) I RECOMMEND that the District Court accept the Defendant's plea of guilty to
19 one-count Indictment which charges Title 8 USC Section 1326 enhanced by 8:1326(b)(1)
20 Attempted Re-Entry After Deportation.

21 (C) The parties have fourteen (14) days from the date of service of this Report and
22 Recommendation to file written objections with the District Court.

23 DATED this 13th day of December, 2011.

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A handwritten signature in black ink, appearing to read "D. Thomas Ferraro", is written over a horizontal line.

D. Thomas Ferraro
United States Magistrate Judge